

GAHC010101632023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3025/2023

SMT. INDRA BASUMATARY AND 24 ORS.
D/O- LT. GOPINATH BASUMATARY,
VILL- TILAPARA,
P.O. - BANGALDOBA,
P.S. - BASUGAON, DIST.- CHIRANG, ASSAM

2: BIREN NARZARY
S/O- LT. UDA NARZARY

VILL- TATTARA

P.O. - KASHIKOTRA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

3: BIMAL BASUMATARY
S/O- LT. SABARAM BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

4: BUDISWAR BASUMATARY
S/O- LT. DEBEN BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

5: ANSUMA BASUMATARY
S/O- LT. KAGEN BASUMATARY
VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

6: SUBHASH BASUMATARY
S/O - LATE SUKUR SINGH BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

7: DUMBRU BASUMATARY
S/O - LATE JANGYA BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

8: PRAKASH BASUMATARY
LEGAL HEIR OF LT. PRADIP BASUMATARY

S/O - LATE SAITOBAN BASUMATARY

VILL- HOLTU GAON TINIALI

P.O. - TINIALI

P.S. - KOKRAJHAR
DIST.- KOKRAJHAR

ASSAM

9: RANJIT BASUMATARY
S/O - LATE DANSING BASUMATARY

VILL- KOSUGAON

P.O. - KOSUGAON

P.S. - KOSUGAON
DIST.- KOKRAJHAR
ASSAM

10: AJIT BASUMATARY
S/O - LATE GENDESWAR BASUMATARY

VILL- NIMAGAON (DEULGURI)

P.O. - RANCHAIDHAM

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

11: PROMOD BASUMATARY
S/O- SURGA BASUMATARY

VILL- GHOKPARA

P.O. - CHAMPABATI BAZAR

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

12: ANEN BASUMATARY
S/O- LT. RABIRAM BASUMATARY

VILL- MULABARI

P.O. - KARIGAON

P.S. AND DIST.- KOKRAJHAR
ASSAM

13: BIJEN BASUMATARY
S/O - LT. GOIYA BASUMATARY

VILL- AND P.O. - SANTIPUR

P.S. RUNIKATA
DIST. CHIRANG
ASSAM

14: JATIN BASUMATARY
S/O - LT. MOTILAL BASUMATARY

VILL- BENGTOLE DHOLAPARA

P.O. - BENGTOLE

P.S. RUNIKHATA

DIST.- CHIRANG
ASSAM

15: SOMENDRA BASUMATARY
S/O - LT. MOTILAL BASUMATARY

VILL- BENGTOLE DHOLAPARA

P.O. - BENGTOLE

P.S. RUNIKHATA

DIST.- CHIRANG
ASSAM

16: TANGGWANA BASUMATARY
S/O - LT. GUDAM BASUMATARY

VILL- GHOP PARA

P.O. - CHAMPABOTI BAZAR

P.S. SIDLI

DIST.- CHIRANG
ASSAM

17: DHAJEN BORO
S/O- LT. BISHNU BORO

VILL- CHAMPA BALABARI
P.O. - CHAMPA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

18: NAGA BASUMATARY
S/O- LT. LT. RAMESWAR BASUMATARY

VILL- BIJNI
P.O. - BIJNI

P.S. - BIJNI
DIST.- CHIRANG
ASSAM

19: PAROHIT BASUMATARY
S/O- LT. NAIYA RAM BASUMATARY

VILL- AMLAIGURI

P.O. - CHAMPA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

20: DINESH BASUMATARY
S/O. LT. SIVSWORON BASUMATARY

VILL- LAORIPARA

P.O. GAUBHASA

P.S. SIDLI
DIST. CHIRANG
ASSAM

21: SWMBLA BASUMATARY
S/O- LT. YATRA BASUMATARY
VILL- MOZABARI

P.O. MOZABARI

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

22: SMT. BISARI BASUMATARY

W/O- ANANDA BASUMATARY

VILL- GENDER GAON

P.O. SIDLI

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

23: RABINDRA BASUMATARY
S/O- LT. RUPNATH BASUMATARY
VILL- UTTAR DEULGURI

P.O. RANCHAIDHAM

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

24: MADHURAM BASUMATARY
S/O- LT. RUPNATH BASUMATARY
VILL- UTTAR DEULGURI

P.O. RANCHAIDHAM

P.S.- SIDLI
DIST- CHIRANG (BTC)
ASSAM

25: ATUL CH. BASUMATARY
S/O- LT. BIDAM BASUMATARY
VILL- EAST SHYMTHAIBARI

P.O. GARUBHASA

DIST- CHIRANG
(BTC)
ASSA

VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND AND 56 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY, BTC, P.O. AND DIST.
KOKRAJHAR, PIN - 783370

2:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT
BTC
BODOFA NWGWR
KOKRAJHAR
PIN - 783370

3:THE DEPUTY COMMISSIONER
KAJOLGAON
DISTRIC- CHIRANG
(BTC) ASSAM

4:THE CIRCLE OFFICER
SIDLI REVENUE CIRCLE
SIDLI
DISTRICT-CHIRANG
(BTC)
ASSAM

5:MD. ASMUD ALI DEUYAN
S/O- LT. BANDESH ALI

6:MD. KASEM ALI DEUYAN
S/O- LT. BANDESH ALI

7:MD. NUR ISLAM DEUYAN
S/O- LT. SAHED ALI

8:MD. KODUSH ALI MIYA
S/O- LT. RAMJAN ALI

9:MD. KASEM ALI MIYA
S/O- LT. SANDU ALI MIYA

10:MD. ABDUL BAKKA MIYA
S/O- KODUSH ALI MIYA

11:MD. EBRAHIM ALI MIYA
S/O- LT. SAHED ALI

12:MD. MALEK ALI
S/O- LT. BANDESH ALI

13:MD. AMZAD ALI
S/O- LT. BANDESH ALI

14:MD. AJMAL HOK KONDOKAR

S/O- SOMED ALI KONDOKAR

15:MD. MOJIBAR KHAN
S/O- MALEK KHAN

16:MD. JAMIR KHAN
S/O- SAN KHAN

17:MD. SHIDIK ALI DEUYAN
S/O- AKEL ALI

18:MD. HURMUJ ALI
S/O- AKEL ALI

19:MD. DEUYAN NOUSHAD
S/O- AKEL ALI

20:MD. SUKUR MAMUD DEUYAN
S/O- FAJAR DEUYAN

21:MD. MANNAN ALI DEUYAN
S/O LT. RAMEJUDDIN DEUYAN

22:MD. JAHEDUL ISLAM
S/O LT. RAMEJUDDIN DEUYAN

23:MD. KITAP ALI MIYA
S/O- LT. RAMJAN ALI MIYA

24:MD. MOHIRUDDIN
S/O. LT. JOMEJUDDIN DEUYAN

25:MD.JAHIRUL DEUYAN
S/O. LT. JEMEJUDDIN DEUYAN

26:MD. SUKUM UDDIN DEUYAN
S/O. LT. JOMEJUDDIN DEUYAN

27:MD. SHAMAN UDDIN DEUYAN
S/O- LT. SHIBAR UDDIN DEUYAN

28:MD. SATOR ALI DEUYAN
S/O- SADEK ALI DEUYAN

29:MD. NOSHAT ALI DEUYAN
S/O- LT. DIN ALI

30:MD. HORMUJ KHAN

S/O- LT. RUNGU KHAN

31:MD. JAJUM UDDIN
S/O- SOHOR ALI

32:MD. NUROL ISLAM MIYA
S/O- LT. SAHED ALI

33:MD. JAKIR HUSSAIN
S/O- AMIN UDDIN

34:MD. AKTAR HUSSAIN
S/O- LT. AMIN UDDIN

35:MD. SUMEJ UDDIN
S/O- LT. SIBAR UDDIN

36:MD. AMJAD HUSSAIN KHAN
S/O-LT. MIR MAHOMOD ALI KHAN

37:MD. SAMSUL ALOM KHAN
S/O- LT. MIR MAHOMOD ALI KHAN

38:MD. MALEK KHAN
S/O- RANGGO KHAN

39:MD. KAMAL UDDIN
S/O- LT. RASHID ALI

40:MD. JAMALUDDIN MIYA
S/O- LT. RASHID ALI

41:MD. DAL MAMUD MIYA
S/O- LT. RASHID ALI

42:MD. MIR SHAHEB ALI MIYA
S/O- LT. RASHID MIYA

43:MR. SAN MAUMAD
S/O- LT. RASHID MIYA

44:MD. HAJET ALI MIYA
S/O- HAJET ALI MIYA

45:MD. KARIM ALI
S/O- HAJET ALI MIYA

46:MD. JOYAN ALI MIYA

S/O- GORI MANDAL MIYA

47:MD. ABDUL BAREK MIYA
S/O- AHMOD ALI

48:MD. EUNUSH ALI KHAN
S/O- LT. RANGGO KHAN

49:MD. ABDUL RAHMAN
S/O- LT. RANGGO KHAN

50:MD. HASEN ALI ROHOMAN
S/O- S/O- LT. RANGGO KHAN

51:MD. BHASN ALI DEUYAN
S/O- HASEN ALI

52:MD. NABIBAR ALI DEUYAN
S/O- BHASAN ALI

53:MD. HABIBAR ALI DEUYAN
S/O- BHASAN ALI DEUYAN

54:MD. INAL MIYA DEUYAN
S/O- LT. ABDUL AJIJ

55:MD. AJISH MIYA DEUYAN
S/O- LT. ABDUL AJIJ

56:MD. JOYNAL ALI MIYA
S/O- LT. GORI ALI MIYA

57:MD. JOYNUDDIN ALI MIYA
S/O- LT. GORI MIYA.
ALL ARE THE RESIDENTS OF VILLAGE MOZABARI
P.O. AND P.S. SIDLI
DIST.- CHIRANG
ASSAM PIN CODE - 78337

Advocate for the Petitioner : MR. R MAJUMDAR, MR A KALITA (P-1,2,10,12,13,14,16,18,19,20,21,22,23,24)),MR B C MUCHAHARY,MR R DHAR

Advocate for the Respondent : SC, BTC, MRS. S ROY (R9-11,13-17, 19-43,45-48,51,53,54,33,32,35),MS. B. HAZARIKA (R9-11,13-17, 19-43,45-48,51,53,54,33,32,35),MS. R CHOUDHURY (R9-11,13-17, 19-43,45-48,51,53,54,33,32,35),GA, ASSAM

**BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS**

ORDER

Date : 05.08.2024

Case taken up before the Lawazima Court.

None appears on behalf of the petitioners.

Perused the records.

On a perusal of the office note dated 02.08.2024 reveals that notice was issued to the respondent Nos. 5 to 57 by registered post with A/D on 12.06.2023.

However, in the meantime, it appears that the learned counsels have entered appearance on behalf of the respondent Nos. 9 to 11, 13 to 17, 19 to 43, 45 to 48, 51, 53 & 54 by filing Vakalatnama. In addition to the aforesaid, learned counsel Ms. F.N. Zaman appears on behalf of the aforesaid respondents. As such, it may be said that **service is complete in respect of the respondent Nos. 9 to 11, 13 to 17, 19 to 43, 45 to 48, 51, 53 & 54.**

Further, in respect of the rest of the respondents, it seems that the A/D cards of the respondent Nos. 6, 7, 8 & 11 have been received by the concerned section. Now, a careful perusal of the aforesaid A/D cards reveals the following:—

R6:— The A/D card bears the full signature of a person namely, “Haider Ali Dewan”. Also, it appears that in the said A/D card, it has been endorsed that the aforesaid recipient in the brother of the respondent.

R7:— The A/D card bears the full signature of a person namely, “Nabibul Haque”. Also, it appears that in the said A/D card, it has been endorsed that the aforesaid recipient in the son of the respondent.

R8:— The A/D card bears the full signature of a person namely, “Kutub Ali”.

R11:— The A/D card bears the full signature of a person namely, “Nabibul Haque”. Also, it appears that in the said A/D card, it has been endorsed that the aforesaid recipient in the son of the respondent.

In spite of the aforesaid fact that the A/D cards have been received bearing signature of the recipient, it may be pertinent to mention that the un-served notices regarding respondent Nos. 6 & 8 have also been received back bearing postal remark “**Return to sender Addressing not find**” & “**Return to sender Addressing expired**”.

In view of the observations made above, it may be stated that **service of notice upon the respondent Nos. 6 & 8 can't be presumed due to the presence of both, the A/D cards as well as the un-served notice**. However, as far as the respondent Nos. 7 & 11 are concerned, **it may be said that Service has been completed in respect of the said respondents (respondent Nos. 7 & 11)**.

Furthermore, in respect of the respondent Nos. 5, 12, 18, 44, 49, 50, 52 & 53, it appears that the notice has been received un-served with the following postal remark:– “**Return to sender Addressing not found**”. As such, **the petitioners are directed to obtain regarding the present addresses of the respondent Nos. 5, 12, 18, 44, 49, 50, 52 & 53**.

Moreover, in respect of the respondent Nos. 55, 56 & 57, it appears that no A/D cards or un-served notices have been received by the concerned section till date. In this regard, **the petitioners are directed to take fresh steps for service of notice upon the respondent Nos. 55, 56 & 57 by registered post with A/D as well as by usual Court process through the office of the learned Civil Judge (Junior Division), Chirang, within 7 (seven) days from the date of this order**.

As mention has been allowed for listing of the instant matter on 07.08.2024, the matter is laid before the Hon'ble Court.

Deputy Registrar (Bench)

Comparing Assistant